REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, claims 1-22 remain pending. Claims 1-22 have been rejected. In this response, claims 1 and 11 have been amended. Claims 21-22 have been cancelled without prejudice. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed, particularly, on pages 11-12 of the specification. No new matter has been added.

Claims 1-3, 6, 11-13, 16, 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,370,154 to Wickham ("Wickham") and U.S. Patent No. 6,704320 to Narvaez, et al. ("Narvaez"). Claims 4-5, 7-10, 14-15 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wickham and Narvaez and U.S. Patent No. 6,578,077 to Rakoshitz, et al. ("Rakoshitz"). Applicant hereby reserves the right to swear behind the above-identified patents.

In view of the foregoing amendments, it is respectfully submitted that claims 1-20 include limitations that are not disclosed or suggested by the cited references. Specifically, for example, independent claim 1 recites as follows:

> 1. A method, comprising:
> displaying a graphical user interface that allows a user to select, from a representation of a network that is presented on a graphical user interface, a first connection endpoint that is associated with a first access node of the network and a second connection endpoint that is associated with a second access node of the network;
> executing a routing algorithm to determine a path through the network amongst a plurality of possible paths through the network, the path and the possible paths each connecting the first connection endpoint and the second connection endpoint, the executing comprising:
> assigning respective weights to links and nodes within the network, <u>each weight of each link and each node representing resources available for each link and each node, wherein a weight of a link increases if the resources available from the link decreases or vice versa, wherein a weight of a node increases if the resources available from the node decreases or vice versa;</u>
> <u>changing the weights of each link and each node according to availability of resources of each link and each node;</u>

determining that the path has the lowest combined weight from the first connection endpoint to the second connection endpoint, including weights of links and nodes between the first connection endpoint and the second connection endpoint; and,

provisioning a connection within the network that corresponds to the path, the provisioning comprising updating information held within a node that resides within the network and that resides along the path.

(Emphasis added)

Independent claim 1 includes limitations of determining the weights of each link and each node between a source endpoint and a termination endpoint, where the weights of each link and each node represent the resources available within each respective link and node. These weights change or fluctuate according to the availability of resources within the respective link and respective node. A weight of a node or link goes up if the resources available within the respective node or link decreases or vice versa. Then a path is created based on the lowest weights among all of the links and nodes (e.g., intermediate nodes and links) between the source and destination endpoints. It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Although Narvaez discloses assigning links with weights; however, such weights represent the distance between two nodes (See, e.g., Narvaez, col. 4, lines 13-17 and 53-59; col. 8, lines 47-51), which is not the same as the weights representing the resources available in a link. In addition, there is no disclosure or suggestion within Narvaez that the availability of resources within each intermediate node between the source and destination endpoints is also represented by weights in considering provisioning a path.

Furthermore, the present invention as claimed is not merely related to provisioning a network path. Rather, the present invention as claimed is about "how" to provision a network path. It is respectfully submitted that Narvaez and the present invention as claimed are designed significantly different with significantly different approaches. It is also respectfully submitted that Wickham and/or Rakoshitz also fail to disclose or suggest the limitations set forth above.

Therefore, for the reasons discussed above, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Similarly, independent claim 11 includes limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that independent claim 11 is also patentable over the cited references. Given that the rest of the claims depend from one of the claims 1 and 11, for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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